

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA

Plaintiff,

Case No. 16-20514-2
Honorable Linda V. Parker

v.

D-2, CALVIN ATTYBERRY,

Defendant.

**OPINION AND ORDER DENYING DEFENDANT’S AMENDED MOTION
FOR RECONSIDERATION OF ORDER DENYING MOTION FOR
REVOCATION OF DETENTION HEARING [ECF NO. 49]**

On November 29, 2016 the Court held a hearing on Defendant’s Motion for Revocation of Detention and for Bond with Combination of Conditions Concerning Release. (ECF No. 41.) At the conclusion of the hearing, this Court denied Defendant’s motion. (ECF No. 47.) On December 2, 2016, Defendant filed a motion for reconsideration of the order denying the motion for revocation. (ECF No. 48.) Defendant amended the motion for reconsideration on December 4, 2016. (ECF No. 49.) In the amended motion, counsel for the Defendant notes that one of the reasons this Court had in denying Defendant’s motion was Defendant’s failure to appear when previously released on tether. (*Id.* at ¶ 2.) After the hearing, counsel for the defense became aware that in the one instance where he

believed Defendant had failed to appear while on tether, Defendant had in fact appeared to the court late. (*Id.* at ¶ 4.) Defense counsel cites child care issues and a delay by the tether agent as reasons for Defendant's late appearance. (*Id.*)

Defendant's history shows that he has violated court orders of probation, absconded from probation twice, and failed to appear for his arraignment. (*See* ECF No. 45 at Pg ID 171-72.) This Court is not persuaded by the facts presented in the motion for reconsideration.

IT IS HEREBY ORDERED that the motion is **DENIED**.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: February 16, 2017

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, February 16, 2017, by electronic and/or U.S. First Class mail.

s/ Richard Loury
Case Manager